

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No. 2:13-CR-091
)	
MELLISA N. ROPER)	

MEMORANDUM AND ORDER

At a June 24, 2014 hearing, the defendant made an oral motion to continue her June 25 trial. The United States had just informed the court and the defense that a prosecution witness would be unavailable to testify due to having gone into labor. It is the defendant's position that this person is a necessary witness for the defense. The United States opposed a continuance, arguing that this witness is not necessary to either side, and that other witnesses were already flying in from out-of-town.

In light of the arguments presented, the court concludes that the unavailable witness at issue is in fact essential to the defense. The continuance motion will accordingly be granted. The motion requires a delay in the proceedings. Therefore, all the time from the June 24, 2014 oral motion to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(3)(A).

It is hereby **ORDERED** that the defendant's oral motion to continue is **GRANTED**, and this criminal case is **CONTINUED** from June 25, 2014, to Tuesday, **August 12, 2014, at 9:00 a.m.** The court will conduct a pretrial *Lafler/Frye* hearing at 8:30 a.m. on August 12, 2014.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge